

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

EARNEST T. WOODRUFF,

Plaintiff,

v.

ELERS, et al.,

Defendants.

No. 2:23-cv-00365-DJC-JDP (PC)

ORDER

Plaintiff, a county inmate proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 17, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.¹

The Court has reviewed the file and finds the findings and recommendations to

¹ Although it appears from the file that plaintiff's copy of the findings and recommendations was returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 be supported by the record and by the Magistrate Judge's analysis. Beyond Plaintiff's
2 failure to update his mailing address with the Court, he has failed to comply with
3 Magistrate Judge's April 23, 2023 Order that Plaintiff "either advise that he wishes to
4 proceed only with his First Amendment access to courts claims against defendants
5 Elers, Williams, and Peluso or delay service and file an amended complaint." (ECF No.
6 4.)

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations filed July 17, 2023, are adopted in full;
9 2. This action is dismissed without prejudice for failure to prosecute; and
10 3. The Clerk of Court is directed to close the case.

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13 IT IS SO ORDERED.

14 Dated: September 4, 2023


15 Hon. Daniel J. Calabretta
16 UNITED STATES DISTRICT JUDGE
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